

REMARKSI. Drawings

The Examiner has objected to the drawings for failure to comply with 37 CFR 1.84(p)(4). Applicant has corrected the drawings by removing duplicitous reference numbers 870 (now 876), 872 (now 878) and 874 (now 879). A copy of the amended drawing sheet is attached hereto. Corresponding corrections to the specification have also been made as the Examiner requested.

II. Specification

The Examiner objected to various informalities in the specification. Applicant has corrected the specification to conform to the Examiner's requested changes.

III. Claim Objections

The Examiner objected to various informalities in the Claims. Applicant has cancelled Claims 1-17 without prejudice or disclaimer. New Claims 18-34 incorporate all of the Examiner's requested claim language for Claims 1-17.

IV. Rejections Based on 35 U.S.C. § 102

The Examiner has rejected Claims 1, 3 and 7, previously on file, as being anticipated by Anselmi. Applicant has cancelled Claims 1-17 without prejudice or disclaimer. Applicant respectfully submits that new Claims 18, 20, and 24 are not anticipated by Anselmi.

Applicant has cancelled Claims 1-17 without prejudice or disclaimer and added new claims 18-34 to more patentably distinguish the claims over the prior art. In this regard, applicant has added language to Claim 18 to specify that the

sleeve is dimensioned to expand "as" a bait is inserted into the first end of the sleeve without the need to apply any force to any other portion of the sleeve to expand the sleeve manually in order to receive a bait. This amendment is supported by the specification. See, e.g., Page 8, Lines 8-13, and Lines 20-22; and Claim 15. This configuration is not shown in the Anselmi reference.

Applicant respectfully submits that Anselmi does not show a sleeve capable of receiving a bait without applying any force to any other portion of the sleeve to expand the sleeve. In order to insert bait into the Anselmi device, "pressure is exerted against opposite ends of the harness 3 effecting a circumferential expansion" (Column 2, Lines 48-49). No such pressure is necessary to insert bait in Applicant's device. Anselmi requires a three-step process in order to insert bait into the harness: 1) the harness must be manually enlarged by pushing opposite ends of the harness towards one another; 2) the bait must then be inserted into the harness while continuing to maintain pressure on both ends of the harness; and 3) the opposite ends of the harness must be released in order for the harness to grip the bait. Applicant's sleeve expands as the bait is inserted, without the need for the extra steps of squeezing and subsequently releasing the sleeve. Thus, Applicant's invention is substantially easier to use than the Anselmi device, requiring one step for use, instead of three.

V. Rejections Based on 35 U.S.C. § 103

The Examiner has rejected Claims 2, 4, 5, 6, and 8-16, previously on file, as being unpatentable over Anselmi in view of various references. The Examiner has rejected Claim 17, previously on file, as being unpatentable over Ysteboe et al. In view of Anselmi. Applicant has cancelled Claims 1-17 without prejudice or disclaimer. Applicant respectfully submits that new Claims 18-34 are not obvious in light of the combination of Anselmi and the various references.

Applicant respectfully submits that Applicant's invention provides the user with the ability to quickly and easily insert a bait into the sleeve of Applicant's invention where the bait is held by frictional engagement by the interior surface of the sleeve without the need to exert any pressure on the sleeve, such as squeezing opposite ends of the sleeve. This feature is not shown in the Anselmi reference. While Anselmi discloses a harness or sleeve-type device for housing bait, using this device requires a multi-step process involving the use of multiple fingers and both hands.

There is also no suggestion in Anselmi of making the harness out of polyethylene terephthalate or any other material capable of expanding as a bait is inserted into a sleeve and without the need to exert any pressure on the sleeve in order to receive a bait. In order for the combination of Anselmi and Flanagan, Jr. to satisfy the obviousness requirement, it is not enough that one could manufacture the Anselmi invention with polyethylene terephthalate, there must be a suggestion for the use of such

material (Fromsom v. Advance Offset Plate, Inc., 755 F.2d 1549, 1556, 225 USPQ 26, 31 (Fed. Cir. 1985) (the prior art must suggest to one of ordinary skill in the art the desirability of the claimed combination). There is no such suggestion of using polyethylene terephthalate in the Anselmi reference. The Flanagan, Jr. reference teaches the use of polyethylene terephthalate for a fishing lure because it more closely simulates the movement and texture of natural food sources of the fish. There is no suggestion in Flanagan Jr. that the use of polyethylene terephthalate has any other benefit related to an ability of a bait sleeve to expand and hold bait by frictional engagement.

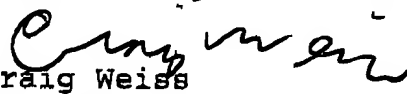
Applicant respectfully submits that the above comments relating to the § 102 rejection are equally relevant to the § 103 rejection. Applicant respectfully submits that the comments relating to the § 102 rejection above distinguish the Applicant's invention over the primary reference Anselmi. The secondary references standing alone or in combination with Anselmi do not show the one-step expandability feature claimed by the Applicant. Applicant respectfully submits that since the independent claim is patentably distinguishable over principal reference Anselmi and since Anselmi is used for all § 103 rejections, no combination rejection involving Anselmi can cure the lack of teaching in Anselmi.

Applicant therefore respectfully submits that the subject patent claims are patentable over the cited prior art whether viewed as a § 102 or § 103 rejection. Applicant respectfully

submits that Applicant's claimed invention is deserving of patent protection because it describes, in combination, a useful and functional device which patentably distinguishes over the cited prior art. In conclusion, Applicant respectfully submits that this Amendment, in view of the Remarks offered herein, is fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicant respectfully submits that he has persuasively demonstrated that the above-identified Patent Application, including new Claims 18-34, is in condition for allowance. Such action is earnestly solicited. Please call the undersigned if you have any questions. Applicant desires to sincerely thank the Examiner for all of her meticulous work in identifying various informalities in the application. All changes proposed by the Examiner have been made and an amended copy of the Detailed Description of the Preferred Embodiments, Abstract and Drawings are attached hereto.

If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,

  
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## DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Referring to Figures 1 and 2, the preferred embodiment of the expandable bait sleeve, hereinafter expandable bait sleeve 10, is shown. The expandable bait sleeve 10 comprises a sleeve 12 having an interior surface and an exterior surface and a first end 14 and a second end 16. The first end 14 is open and dimensioned to receive a portion of a bait 18 (shown in Figure 2). The sleeve 12 is sufficiently expandable so as to enlarge to a larger diameter when a bait 18 is inserted into the open first end 14 of the sleeve 12 while at the same time the sleeve 12 is sufficiently rigid so that the bait 18 is retained in the sleeve 12 by frictional engagement with the interior surface of the sleeve 12.

In the preferred embodiment, the sleeve 12 is comprised of polyethylene terephthalate, although it should be clearly understood that substantial benefit could be derived from an alternative configuration of the expandable bait sleeve 10 in which the sleeve 12 is comprised of another material so long as that material imparts to the sleeve 12 flexibility and stretchability sufficient so that the sleeve 12 can expand when a bait 18 is inserted and still retain the bait 18 by means of frictional engagement.

In the preferred embodiment, the sleeve 12 comprises a mesh-like configuration defining a plurality of apertures 20 so that the bait 18 can be seen and smelled by a fish (not shown) while the bait 18 is retained in the sleeve 12, although it should be clearly understood that substantial benefit could be derived from

an alternative configuration of the expandable bait sleeve 10 in which the sleeve 12 is solid without apertures 20.

In the preferred embodiment, the expandable bait sleeve 10 further comprises a fishing line 22 having a first end coupled to a fishing rod (not shown) and a second end 24 dimensioned to pass through an aperture 23 defined by the second end 16 of the sleeve 12. Preferably, the second end 24 of the fishing line 22 passes through the aperture 23 in the second end 16 of the sleeve 12 and is subsequently coupled to a fishing hook 26. The fishing hook 26 has a line coupling end 28 and a hook end 30. The second end 24 of the fishing line 22 is preferably coupled to the line coupling end 28 of the fishing hook 26. In the preferred embodiment, a knot 29 (shown in Figure 2A) is tied in the fishing line 22 to prevent the portion of the fishing line 22 which is coupled to the fishing hook 26 from being pulled back through the second end 16 of the sleeve 12, although it should be clearly understood that substantial benefit could be derived from an alternative configuration of the expandable bait sleeve 10 in which an alternative means for preventing the fishing hook 26 from being pulled through the second end 16 of the sleeve 12 is utilized. In the preferred embodiment, the hook end 30 of the fishing hook 26 protrudes outside of the first end 14 of the sleeve 12, although it should be clearly understood that substantial benefit could be derived from an alternative configuration of the expandable bait sleeve 10 in which the hook end 30 of the fishing hook 26 protrudes out of a portion of the sleeve 12 between the first end 14 and the second end 16.

Referring now to Figures 3 and 3A, an alternative embodiment of the expandable bait sleeve 10, hereinafter 100, is shown. The expandable bait sleeve 100 (shown in Figure 3) is essentially the same as the expandable bait sleeve 10, although the expandable bait sleeve 100 comprises a swivel harness 132. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 10 of the preferred embodiment will be used when describing the identical features of the expandable bait sleeve 100. The swivel harness 132 has a first end 134 and a second end 136. The first end 134 of the swivel harness 132 is dimensioned to swivel and is coupled to an outer surface of the second end 16 of the sleeve 12 (shown in Figure 3) and is dimensioned to be coupled to a fishing line 22. The second end 136 of the swivel harness 132 is coupled to an outer surface of the second end 16 of the sleeve 12 and is dimensioned to be coupled to a leader 138. The expandable bait sleeve 100 further comprises a leader 138 having a first end 140 and a second end 142 (shown in Figure 3). The first end 140 is coupled to the second end 136 of the swivel harness 132.

Referring now to Figure 3, the expandable bait sleeve 100 further comprises a fishing hook 126 having a leader coupling end 128 and at least one hook end 130. The leader coupling end 128 is coupled to the second end 142 of the leader 138 and the at least one hook end 130 is dimensioned to protrude outside of the sleeve 12. In the preferred embodiment of the expandable bait sleeve 100, the fishing hook 126 is a treble hook, although it should be clearly understood that substantial benefit could be



derived from an alternative configuration of the expandable bait sleeve 100 in which a fishing hook other than a treble hook is used. In the preferred embodiment of the expandable bait sleeve 100, the leader 138 is made of wire, although it should be clearly understood that substantial benefit could be derived from an alternative configuration of the expandable bait sleeve 100 in which the leader 138 is made of another material.

Referring now to Figure 4, an alternative embodiment of the expandable bait sleeve 10, hereinafter 200, is shown. The expandable bait sleeve 200 is essentially the same as the expandable bait sleeve 10, although the expandable bait sleeve 200 comprises a fishing hook 226 molded to the second end 16 of the sleeve 12. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 10 of the preferred embodiment will be used when describing the identical features of the expandable bait sleeve 200. The expandable bait sleeve 200 comprises a fishing hook 226 molded into the second end 16 of the sleeve 12 so that a line coupling end 228 of the fishing hook 226 is coupled to an outer surface of the second end 16 of the sleeve 12 and a hook end 230 of the fishing hook 226 is dimensioned to protrude outside of an upper portion of the sleeve 12 proximate the second end 16 of the sleeve 12.

Referring now to Figures 5 and 6, an alternative embodiment of the expandable bait sleeve 10, hereinafter 300, is shown. The expandable bait sleeve 300 is essentially the same as the expandable bait sleeve 10, although the second end 16 of the

expandable bait sleeve 300 is open. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 10 of the preferred embodiment will be used when describing the identical features of the expandable bait sleeve 300. In the expandable bait sleeve 300, the second end 16 of the sleeve 312 is open so that a bait 18 can be inserted through the open first end 14 of the sleeve 312 and pass through the sleeve 312 so that a portion of the bait 18 protrudes out of the open second end 16 of the sleeve 312.

Referring now to Figure 5, the sleeve 312 of the expandable bait sleeve 300 is preferably coupled to a fishing hook 326. The fishing hook 326 is preferably coupled to a center portion of the sleeve 312 so that a hook end 330 protrudes out of the center portion of the sleeve 312 and a line coupling end 328 dimensioned to be coupled to a fishing line (not shown) protrudes out of the center portion of the sleeve 312.

Referring now to Figure 6, one use for the expandable bait sleeve 300 is to create smaller pieces of bait 18 from a single larger piece of bait 18. A bait 18 can be inserted through two sleeves 312, and then the bait 18 can be cut into at least two pieces so that each piece is surrounded by a sleeve 312. These smaller pieces of bait 18 can then be attached to fishing hooks 326.

Referring now to Figure 7, an alternative embodiment of the expandable bait sleeve 10, hereinafter 400, is shown. The expandable bait sleeve 400 is essentially the same as the expandable bait sleeve 10, although the sleeve 412 is molded into

a soft bait 418. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 10 of the preferred embodiment will be used when describing the identical features of the expandable bait sleeve 400. The sleeve 412 of the expandable bait sleeve 400 is comprised of a mesh-like configuration defining a plurality of apertures 20. The sleeve 412 is placed in a mold used for creating soft artificial bait 418. Then plastisol is injected into the mold so as to create a soft artificial bait with a sleeve as a skeleton. The sleeve 412 portion of the new combined sleeve 412/soft artificial bait 418 can then be coupled to a fishing hook 26. The fishing hook 26 can then be coupled to a fishing line 22 proximate a second end 16 of the sleeve 412. Although, in the preferred embodiment of the expandable bait sleeve 400, plastisol is injected into the mold for soft artificial bait 418, it should be clearly understood that substantial benefit could be derived from an alternative configuration of the expandable bait sleeve 400 in which a material other than plastisol is used so long as it imparts to the bait 418 the same qualities of flexibility and stretchability.

Referring now to Figure 8, an alternative embodiment of the expandable bait sleeve 10, hereinafter 500, is shown. The expandable bait sleeve 500 is essentially the same as the expandable bait sleeve 10, although the second end 16 of the sleeve 12 is coupled to a head 550 having a skirt 570. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 10 of the preferred

embodiment will be used when describing the identical features of the expandable bait sleeve 500. The expandable bait sleeve 500 comprises a head 550 coupled to the second end 16 of the sleeve 12. The head 550 defines an aperture 552 in a center portion thereof dimensioned to allow a fishing line 22 to pass therethrough. The expandable bait sleeve 500 further comprises at least one, and preferably two, fishing hooks 26, each having a line coupling end 28 dimensioned to be coupled to a fishing line 22 and a hook end 30 dimensioned to protrude outside of the sleeve 12. The expandable bait sleeve 500 further comprises a skirt 570 having a narrow portion 572 and a wide portion 574. The narrow portion 572 is coupled to the head 550 and the wide portion 574 is dimensioned to cover at least a portion of the sleeve 12. The expandable bait sleeve 500 incorporates the sleeve 12 into what is known in the art as a teaser or a tuna teaser.

Referring now to Figure 9, an alternative embodiment of the expandable bait sleeve 500, hereinafter 600, is shown. The expandable bait sleeve 600 is essentially the same as the expandable bait sleeve 500, although the expandable bait sleeve 600 is coupled to a tandem spinner bait. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 500 of the preferred embodiment will be used when describing the identical features of the expandable bait sleeve 600. The expandable bait sleeve 600 comprises a head 550 coupled to the second end 16 of the sleeve 12. The expandable bait sleeve 600 comprises a fishing hook 26 having a

coupling end 28 dimensioned to be coupled to the head 550 and a hook end 30 dimensioned to protrude outside of the sleeve 12. The expandable bait sleeve 600 further comprises a skirt 570 having a narrow portion 572 and a wide portion 574. The narrow portion 572 is coupled to the head 550 and the wide portion 574 is dimensioned to cover at least a portion of the sleeve 12. The expandable bait sleeve 600 further comprises a substantially L-shaped shaft 670 having a first arm 672 and a second arm 674. The first arm 672 is coupled to the head 550. A center portion 676 of the substantially L-shaped shaft 670 is dimensioned to be coupled to a fishing line 22. The expandable bait sleeve 600 further comprises at least one, and preferably two spinner blades 680 coupled to the second arm 674 of the substantially L-shaped shaft 670. The expandable bait sleeve 600 further comprises at least one, and preferably two or more beads 690 coupled to the second arm 674 of the substantially L-shaped shaft 670. The expandable bait sleeve 600 incorporates the sleeve 12 into what is known in the art as a tandem spinner bait or spinner bait.

Referring now to Figures 10 and 10A, an alternative embodiment of the expandable bait sleeve 10, hereinafter 700, is shown. The expandable bait sleeve 700 is essentially the same as the expandable bait sleeve 10, although the sleeve 12 is coupled to a crank bait. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 10 of the preferred embodiment will be used when describing the identical features of the expandable bait sleeve 700. The expandable bait sleeve 700 comprises a crank bait head 702 having

a front portion and 704 and a rear portion 706. The front portion 704 is dimensioned to be coupled to a fishing line (not shown) and the rear portion 706 is coupled to the second end 16 of the sleeve 12. The expandable bait sleeve 700 further comprises a first fishing hook 726 (shown in Figure 10) having a first end 728 (shown in Figure 10) coupled to the crank bait head 702 and a second end 730 (shown in Figure 10) comprising at least one hook. The expandable bait sleeve 700 further comprises a wire 738 (shown in Figure 10) having a first end 740 (shown in Figure 10) coupled to the crank bait head and a second end 742 (shown in Figure 10). The expandable bait sleeve 700 further comprises a second fishing hook 776 (shown in Figure 10) having a wire coupling end 778 (shown in Figure 10) dimensioned to be coupled to the second end 742 of the wire 738 and a hook end 779 (shown in Figure 10) dimensioned to protrude outside of the first end 14 of the sleeve 12. The expandable bait sleeve 700 incorporates the sleeve 12 into what is known in the art as a crank bait.

Referring now to Figure 11, an alternative embodiment of the expandable sleeve 10, hereinafter 800, is shown. The expandable bait sleeve 800 is essentially the same the expandable bait sleeve 600, although the sleeve 12 is coupled to a bucktail spinner. The expandable bait sleeve 800 comprises a harness 832. The expandable bait sleeve further comprises a first fishing hook 826 having a first end 828, a second end 830 and a center portion 829 therebetween. The first end 828 of the first fishing hook 826 is molded to the harness 832 and the center portion 829 of

the first fishing hook 826 is coupled to the second end 16 of the sleeve 12. The second end 830 of the first fishing hook 826 comprises at least one hook. The expandable bait sleeve 800 further comprises a skirt 870 having a narrow portion 872 and a wide portion 874. Preferably, the skirt 870 is comprised of the hair of a deer, although it should be clearly understood that substantial benefit could be derived from an alternative configuration of the expandable bait sleeve 800 in which a material other than deer hair is used for the skirt 870. The narrow portion 872 of the skirt 870 is coupled to the harness 832 and the wide portion 874 is dimensioned to cover at least a portion of the sleeve 12 and the first fishing hook 826. The expandable bait sleeve 800 further comprises a wire 838 having a first end 840 and a second end 842. The first end of the wire 838 is coupled to the second end 16 of the sleeve 12. The expandable bait sleeve 800 further comprises a second fishing hook 846 having a wire coupling end 848 and a hook end 849. The wire coupling end 848 is dimensioned to be coupled to the second end 842 of the wire 838 and the hook end 849 protrudes outside of the first end 14 of the sleeve 12. The expandable bait sleeve 800 further comprises a head 850 having a front portion 852 and a rear portion 854. The rear portion 854 is coupled to the harness 832. The expandable bait sleeve 800 further comprises a shaft 876 having a first end 878 and a second end 879. The second end 879 of the shaft 876 is coupled to the front portion 852 of the head 850 and the first end 876 of the shaft 876 is dimensioned to be coupled to a fishing line 22. The expandable bait sleeve 800

further comprises at least one spinner blade 880 coupled to the shaft 876. The expandable bait sleeve 800 further comprises at least one bead 890 coupled to the shaft 876. The expandable bait sleeve 800 incorporates the sleeve 12 into what is known in the art as a buck tail spinner.

Referring now to Figure 12, an alternative embodiment of the expandable bait sleeve 10, hereinafter 900, is shown. The expandable bait sleeve 900 is essentially the same as the expandable bait sleeve 800, although the sleeve 12 is coupled to a spinner. For this reason, the same reference numbers used in describing the features of the expandable bait sleeve 800 of the preferred embodiment will be used when describing the identical features of the expandable bait sleeve 900. The expandable bait sleeve 900 comprises a skirt 870 having a narrow portion 872 coupled to the second end 16 of the sleeve and a wide portion 874 dimensioned to cover at least a portion of the sleeve 12. The expandable bait sleeve 900 further comprises a fishing hook 926 having a coupling end 928 and a hook end 930. The coupling end 928 of the fishing hook 926 is coupled to the second end 16 of the sleeve 12 and the hook end 930 is dimensioned to protrude outside of an upper portion of the sleeve 12 proximate the second end 16 of the sleeve 12. The expandable bait sleeve 900 further comprises a shaft 970 having a first end 972 and a second end 974. The second end 974 is coupled to the second end 16 of the sleeve 12 and the first end 972 is dimensioned to be coupled to a fishing line 22. The expandable bait sleeve 900 further comprises at least one spinner blade 980 coupled to the shaft



970. The expandable bait sleeve 900 further comprises at least one bead 990 coupled to the shaft 970. The expandable bait sleeve 900 incorporates the sleeve 12 into what is known in the art as a spinner.

While the invention has been particularly shown and described with reference to preferred embodiments thereof, it will be understood by those skilled in the art that the foregoing and other changes in form and details may be made therein without departing from the spirit and scope of the invention.

## ABSTRACT

An expandable bait sleeve and method therefor capable of expanding in order to securely retain baits of various sizes and dimensioned to be coupled to various types of fishing lures and fishing hooks in order to improve a fisherman's chances of catching a fish by minimizing the chance that a fish will be able to "steal" the bait without being caught on the hook.